

REMARKS

Claims 1-35 are pending. The amendments to the claims are all supported in the figures so no new matter is added. Claims 12 and 31 have been made independent by incorporating their base claim into Claim 12 or Claim 31.

The examiner objected to the drawings and stated that all claimed limitations must be shown in the drawings. If the examiner is referring to the method claims being shown in the drawings, this is impractical since illustrating the method would require a degree of animation. Illustrating gaming machine hardware and describing its operation has been routinely used by patent practitioners in the gaming machine art to support method claims. It is requested that the examiner specifically point out claim elements that require a drawing for support under the MPEP.

The independent Claims 1 and 25 have been amended to more clearly define the invention. Claims 1 and 25 have been amended to recite that the visual effects produced by the lamps in the border do "not affect an outcome of the game." It is understood that gaming machines have used lights to designate a random selection where, for example, each light acts as a backlight for a prize icon, and the particular illuminated backlight identifies the prize that the player has won. Claims 1 and 25 are distinguished from such machines.

The examiner rejected Claims 1-9, 12-20, 23-28, and 31-35 as being unpatentable over Brossard (US Pat. No. 6,302,790) further in view of Forbes (US Pat. No. 6,043,615).

The examiner relied on Brossard's Fig. 4B; col. 3, lines 13-36; and col. 7, lines 1-25, for their teaching of fourteen backlights in a circle surrounding a picture of Elvis Presley, where each backlight illuminates an award icon (e.g., "50") in front of the backlight. In one embodiment, the backlight lights 418 are sequentially unilluminated to resemble a record playing (col. 7, lines 22-25), and the illumination of a single one of the lights 418 after the sequential unillumination identifies the award to be paid to the player (col. 7, lines 25-33).

The Forbes patent was cited for its teaching of colored lamps in a gaming machine but does not teach or suggest the arrangement of lamps and function of lamps recited in Applicant's claims.

Applicant's Claim 1 recites "a display for displaying a game." Such a display could not encompass the Elvis image in Brossard because the Elvis image is not a game. The "display" in Brossard's Fig. 4B is the windows 114a-c revealing the reels. Claim 1 also recites a border of lamps "at least partially surrounding the display." In Brossard, there are no border lamps at least partially surround the display windows 114a-c. Claim 1 also recites that the lamps are selectively illuminated "to create a plurality of visual effects that do not affect an outcome of the game." However, in Brossard, the selective illumination of the lamps is used to grant an award to the player (col. 7, lines 22-40). Fig. 4B shows credit values associated with each lamp 418.

As seen, Brossard could not teach or suggest the above-discussed claim limitations in Claim 1. Forbes adds nothing to Brossard to suggest the above-described claim limitations. Accordingly, it is respectfully submitted that Claim 1 and its dependent Claims 2-11, 13-24, 32, and 33 are patentable over the combination of Brossard and Forbes.

Regarding Claim 7, the examiner indicated that the claimed "display" is Brossard's Elvis image. The amendment to Claim 1 makes clear that the Elvis image cannot be the claimed "display." Claim 7 further recites that the memory contains instructions for "displaying a first screen of a game on the display." This further precludes Brossard's Elvis from being the claimed "display."

Regarding Claim 8, the examiner indicated that Brossard teaches an attract mode of the lamps 418 (col. 5, lines 50-51; col. 7, lines 7-8), a losing mode of the lamps, and a winning mode of the lamps. However, Applicant's attorney could find no mention of lamps 418 being activated in one manner for a losing outcome and activated in another manner for a winning outcome, as required by Claim 8. Accordingly, Claim 8 is nonobvious for additional reasons.

Claim 9 recites:

9. The gaming system of Claim 1 wherein the memory contains instructions for carrying out the following method performed by the gaming machine:

displaying a first screen of a game on a first portion of the display;

activating a first portion of the lamps in the border, wherein the first portion of lamps are adjacent to the first portion of the display;

displaying a second screen of a game on a second portion of the display; and
activating a second portion of the lamps in the border, wherein the second portion of the lamps is adjacent to the second portion of the display.

The examiner cites Brossard's top LCD display as the claimed "second portion of the display" and the ELVIS lights 414 as the "second portion of the lamps." However, Claim 9 (in combination with Claim 1) requires the display to display the game. The animation of Elvis on the LCD screen is not a game, as required by Claim 9. According Claim 9 is patentable for at least the reasons given for Claim 1.

Claim 12 has been amended to be independent by incorporating the pre-amended Claim 1 into Claim 12. Claim 12 has been further amended to make clear that the claimed display is for displaying a game. A portion of Claim 12 recites:

displaying a first screen of a game on the display, the first screen comprising a plurality of regions adjacent the border, each region corresponding to a winning amount;

flashing a plurality of lamps in succession, each flashing lamp being adjacent to one of the plurality of regions;

receiving an instruction to stop flashing;

causing a payout mechanism to pay an amount corresponding to a winning amount in a region adjacent to a last lamp illuminated prior to said receiving an instruction to stop flashing.


The examiner points to Brossard's use of the lamps 418 to designate an award to the player. Claim 12 requires the "display" to be for "displaying a game." The Brossard lamps 418 surround an Elvis image, so the Elvis image cannot be the claimed display for displaying a game. Further, any winning amounts in Brossard are printed over the backlight rather than being displayed in a "region" on the display. Accordingly, Claim 12 is patentable for multiple reasons over the cited art.

The independent method Claims 25 and 31 correspond to the device Claims 1 and 12, respectively. As with Claim 1, the "display" of Claim 25 is for displaying a game. Brossard does not disclose border lamps around any display that displays a game. Claim 31 similarly requires the game to be displayed on the "display." Other reasons for the

patentability of Claims 25 and 31 are the same as those given for Claims 1 and 12. Accordingly, Brossard in combination with Forbes could not suggest Claims 25 and 31.

The remaining claims are dependent on Claims 1 and 25 and so are patentable for at least the reasons given for the patentability of Claims 1 and 25.

In view of the above arguments, Applicant respectfully requests allowance of all pending claims. Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480 ext. 202.

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 Attorney for Applicant(s)	<u>12/11/03</u> Date of Signature

Respectfully submitted,



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